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No. 0082 P. 4

Applicants: GLUKHOVSKY, Arkady et al
Serial No.: 10/562,865
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AMENDMENTS TO THE DRAWINGS

The attached one (1) sheet of drawings includes formal drawings for Fig. 3B. This sheet replaces the sheet of drawings including Fig. 3B as originally filed.

Attachment: One (1) Replacement Sheet

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REMARKS

Applicants respectfully request reconsideration of the above-identified application in view of the following remarks.

Status of Claims

Claims 1-40, 42-46, 54 and 57 were previously canceled, and claims 41-58 are pending in this application. Claims 41, 50, 53, 61-65 and 67 have been amended, and claims 47, 48 and 51 have been cancelled. Claim 68 has been added to clarify an embodiment of the invention.

At least the amendments to claims 62 and 67 do not narrow the scope of claims 62 or 67, nor are they being made for reasons of patentability. These amended claims are not subject to the complete bar against the use of the Doctrine of Equivalents as outlined in *Festo Corporation v. Shoketsu Kinsoku Kogyo Kapushiki Co., Ltd. a/ka/ SMC Corporation and SMt Pneumatics, Inc.*

No new matter has been added.

Amendment to the Drawings

Fig. 3B has been amended to include the label 201, for the receiver, and to include switching unit 221. Support for these amendments can be found, for example, on page 14 first full paragraph, and page 17, third paragraph, of the Application as filed. No new matter has been added.

Interviews

Applicants thank Examiners Lawrence Laryea and Eric Winakur for granting and attending the in-person interview which took place on May 1, 2008. Attending on the part of the Applicants was the undersigned and Rachel Bentov.

During the May 1, 2008 interview, a demonstration of a working imaging capsule, model "M2A AC", without a reception or display system, was shown. Applicants' representatives proposed an amended claim, and provided arguments as to why the proposed claim overcame the prior art rejections of record. The Examiners disagreed.

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with these arguments, and provided suggestions regarding language and limitations that would overcome the prior art rejections of record. Applicants have included these suggestions in the current amendments to the claims. No agreement was reached.

On May 19, 2008 and May 27, 2008, the undersigned and Examiner Laryea spoke via telephone, and exchanged voicemail messages, regarding a proposed draft amendment sent by the undersigned to the Examiner on May 19, 2008. The Examiner indicated that the proposed draft claim overcame the prior art rejections of record, and discussed two Examiner-proposed changes to the claims. These changes are included in the amendments above; however note that Applicants have modified the language of the claims slightly from the May 19, 2008 proposal.

On June 6, 2008, the undersigned contacted Examiner Laryea via telephone for clarification of the 35 U.S.C. 112 rejection in paragraph 6 of the March 17, 2008, Office Action. The Examiner agreed to withdraw this rejection, and, separately, Applicants agreed to insert the word "configured" between "to" and "detect" in claim 62.

Claim Objection

In the Office Action, the Examiner objected to claim 67, stating "of" should be deleted. Claim 67 has been amended. Applicants request that the objection to claim 67 be withdrawn.

35 U.S.C. § 112 Rejection

The Examiner rejected claims 62-66 under 35 U.S.C. § 112, second paragraph. Applicants traverse this rejection.

Regarding the rejection of claim 62, in paragraph 5 of the Office Action, Applicants have amended claim 62 to correct the antecedent basis deficiency.

Regarding the rejection of claims 62, 63 and 66 in paragraph 6 of the office action, as discussed above, in a June 6, 2008 telephone conversation, the Examiner agreed to withdraw this rejection.

The claim element of "identify[ing] the type of" a unit is a clear limitation. Applicants assert that the reference in paragraph 6 of the Office Action to Manual of

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Patent Examining Procedure ("MPEP") 2173.05(d) is not relevant, as claims 62, 63 and 66 do not include exemplary claim language ("for example", "such as").

Applicants request that the Examiner withdraw the rejection of claims 62-66 under 35 U.S.C. § 112, second paragraph.

35 U.S.C. § 102 Rejection/New Claim

The Examiner rejected Claims 41, 47-53, 56, 58 and 59-67 under 35 U.S.C. § 102(b) as being anticipated by Iddan et al. (5,604,531, "Iddan"). Applicants traverse this rejection.

As discussed, on May 27, 2008, Examiner Laryea and the undersigned agreed amendments substantially similar to the above amendments to claim 41 overcome the prior art rejections of record.

Independent claim 41, as amended, includes, *inter alia*,

- a receiver ... comprising an amplifier and a switching unit;
- ... and
- a recorder ... separated from the receiver;
- ...
- wherein the switching unit is located an electrically shorter distance to the plurality of antennas than the recorder.

Independent claim 63, as amended, includes, *inter alia*,

- at a receiver, receiving... in vivo signals ... said receiver comprising an amplifier and a switching unit; and
- ... sending the signal to a recorder, wherein the recorder is separated from the receiver...;
- wherein the switching unit is located an electrically shorter distance to the plurality of antennas than the recorder

The specification of Iddan does not teach a recorder distanced from a receiver wherein the switching unit is located an electrically shorter distance to the plurality of antennas than the recorder. See Fig. 4 of Iddan, the only figure describing the relationship between the receiver and a recorder. Fig. 4 includes signal sampler 42 (which includes receivers 46, Iddan, col. 4, lines 41-42), and storage unit 19.

For a reference to anticipate a claim, the reference must teach all the elements of

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the claim. Since Iddan does not teach all elements of independent claims 41 and 63 Iddan does not anticipate these claims.

Independent claim 66 includes, inter alia,
detecting the presence of a receiver connected to a recorder; identifying the type of the receiver; and
automatically adjusting operation of the recorder according to the type of receiver identified.

Claim 66 was not discussed during the May 1, 2008 interview, and no agreement regarding claim 66 was reached. However, regarding claim 66, Iddan does not identify the type of a receiver, or adjust the operation of a recorder according to the type of receiver. The Examiner asserts in paragraph 11 of the March 17, 2007 Office Action that Iddan, Col. 4, ll. 41-45 and 57-61 teaches adjusting the operation of a *receiver* according to the type of *antenna*. Applicants note that claim 66 includes "adjusting operation of the *recorder* according to the type of *receiver*". Furthermore, the cited passage of Iddan discloses merely a set of receivers attached to antennas and a multiplexer (Col. 4, ll. 41-45) and a capsule transmitting images to a reception system, where multiple antennas each receive a different version of an image (Col. 4, ll. 57-61). The operation of the recorder is not adjusted according to a type of receiver. Thus claim 66 is allowable over the prior art rejections of record.

Claims 47, 48 and 51 have been cancelled. New claim 68 has been added.

Each of claims 49-50, 52, 53, 56, 58-62, 64, 65, and 67, and new claim 68, depends from one of independent claims 41, 63, and 66, includes all the limitation of one of these claims, and is therefore likewise allowable.

Therefore, applicants request that the Examiner withdraw the rejection of claims 41-45, 47-54, 56, 57 and 58 under 35 U.S.C. § 102(b) as being anticipated by Iddan.

35 U.S.C. § 103 Rejection

The Examiner rejected claims 55 and 56 under 35 U.S.C. § 103(a) as being obvious over Iddan in light of Kimchy et al. (2003/0139661, "Kimchy"). Applicants traverse this rejection.

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As discussed above, new independent claim 63, as amended, is allowable over Iddan. Kimchy does not cure the deficiencies of Iddan. Each of claims 55 and 56 depends, indirectly, from independent claim 63, includes all the limitation of one of this claim, and is therefore likewise allowable.

Applicants request that the Examiner withdraw the rejection of claims 55 and 56 under 35 U.S.C. § 103(a) as being obvious over Iddan in light of Kimchy.

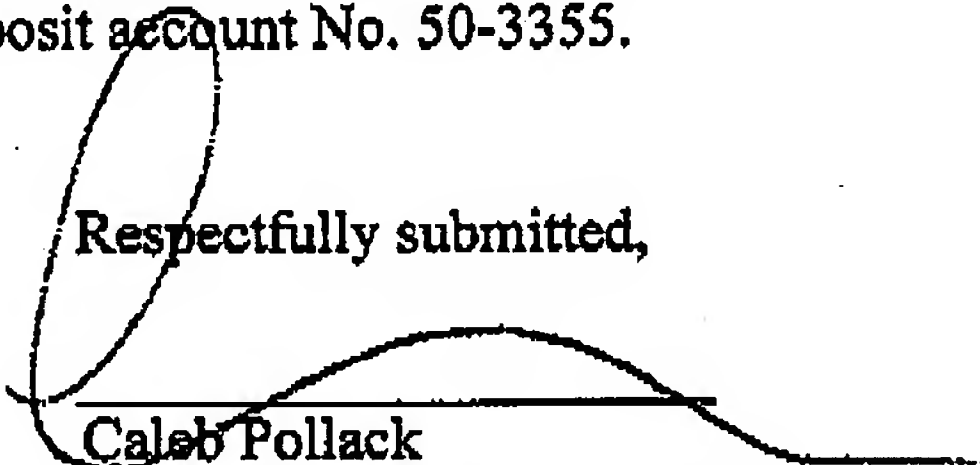
CONCLUSION

In view of the foregoing amendments and remarks, Applicants submit that the pending claims are in condition for allowance. Favorable consideration and passage to issue are therefore respectfully requested.

The Examiner is invited to telephone the undersigned counsel to discuss any further issues yet to be resolved in connection with this application.

Separate from the fee for the RCE, being paid separately, no fees are believed to be due in connection with this paper. However if any such fees are due, please change any fees associated with this paper to deposit account No. 50-3355.

Respectfully submitted,


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